

**Amendments to the Drawing Figures:**

The drawing figures submitted previously have been amended to remove any structure deemed to constitute new subject matter. In particular the lines outlining the recess receiving the upright support members have been removed. A set of drawing figures showing the proposed changes are attached with the proposed change enclosed within the circled regions.

## **REMARKS**

### **Reviving the Application**

Applicants acknowledge receipt of the final official action mailed July 20, 2005, setting a three-month shortened statutory period for reply. The statutory six-month deadline for the reply expired on January 20, 2006. Accordingly the application became abandoned. Applicant submits herewith a Renewed Petition Under 37 CFR 1.137(b) along with this response placing the claims in condition for allowance. The Petition requests that the application be revived on grounds it was unintentionally abandoned. The petition fee of \$750.00 has previously been paid. Also enclosed is the response to the final office action amending the claims and placing them in condition for allowance. Also enclosed is a petition requesting the three month extension of time to extend the response time for the entire statutory period. The \$510.00 petition fee required required by the Rules is enclosed. Granting of the petition is respectfully requested.

### **Status of Claims and Drawings**

The application as filed contained claims 1-36, all which stand rejected. The drawing figures and the specification were also objected to because they failed to show or properly disclose certain subject matter.

Claims 2, 9, 11, 12, 13, 14, 15, 17, 31 and 32 have been cancelled from the application. Claims 1, 4, 5, 16 and 25 have been amended in this response. The drawing figures have also been amended as set out above. No new matter has been added. Claims 1, 3 - 8, 10, 16, 18 - 30 and 33-36 are now in the application.

In light of the amendments and remarks presented herein, reconsideration of the

application is requested. For the sake or order, the remarks will be presented in substantially the same order to follow the objections raised in the official action.

#### Allowable Subject Matter

Applicant notes with appreciation the Examiner's indication in the Office Action dated January 3, 2005 that claim 31 would be allowed if rewritten in independent form and include all of the limitations of the rejected base claim and any intervening claims as well as overcome the rejections under 35 USC 112, second paragraph.

Applicant highlights that claim 31 has been cancelled from the application as well as claim 32. The limitations of both claims have been included now in the rejected base claim 25. Moreover, independent claims 1 and 16 have been amended to closely parallel the inventive structure now in claim 25. Applicant respectfully submits that all three independent claims are now in condition for allowance as indicated by the Examiner in the January 3, 2005 official action.

#### Drawings:

The drawings were objected to because they failed to show that the electrical socket was attached to a power supply of the vehicle, and that the framework assembly could be removed from the base assembly as claimed and described in the patent specification.

The drawings have been amended as illustrated by the annotations accompanying this response. Moreover this issue has also been addressed by amending the claims. In particular the claims citing a power socket or electrical supply have been cancelled or

amended to remove the reference. The drawings have also been amended to reflect the modular nature of the invention consistent with the Examiner's earlier indication this feature, if placed in independent format, would place the application in condition for allowance.

Applicant respectfully submits that the written description sufficiently discloses that the framework components can be assembled and disassembled as necessary. This written description as well as the depiction of the framework in its assembled state would enable one of ordinary skill in the art to assemble and disassemble the components of this kit.

Applicant notes with appreciation that the corrections proposed in the response dated July 5, 2005 have been approved. Additional sheets of drawing containing annotations on the alternate configuration of the framework assembly to the base assembly are attached to this response in accordance with 37 CFR § 1.121(d). In light of the above, applicants respectfully submit the drawing figures are now fully compliant with the requisites of MPEP § 608.02(d) and 37 CFR § 1.83(a). Reconsideration is requested.

Specification:

The specification has been objected to on grounds it failed to provide proper antecedent basis for subject matter in claim 12 stating that the socket assembly is attached to the base assembly. Claim 12 has been cancelled. Reconsideration is requested.

With respect to the amendments to the Specification presented above, Applicant submits that no new matter has been added. These amendments apply uniform terminology to the same structural component which was inadvertently named with two different identifiers. The additional explanation that has been added to paragraph 0033 is supported by the reference in paragraph 0013 that the embodiments of the framework components may be disassembled and broken down into smaller components for easy storage.

Applicant appreciates the advice provided by the Examiner during an October 5, 2006 telephone interview and submits that all Claims are properly supported throughout the specification. Applicant notes that proper antecedent basis for the subject matter of independent claims 1, 16, and 25 can be found in paragraphs 0033 and 0040 of the original specification as well as in amended paragraphs 0041 and 0043. These paragraphs specifically mention the “beam” element. Original paragraphs 0013 and 0043 as well as amended paragraph 0033 explain how the beam or cross bar member can be disassembled or detached from the other framework components.

REJECTIONS UNDER § 112, 2nd PARAGRAPH

Claim 31 stands rejected under 35 U.S.C. § 112, paragraph 2 on grounds there is no proper antecedent for the “cross member” in the referenced independent claim or any

intervening claim. Claim 31 has been cancelled with the limitation now included in rejected base claim 25.

In the official action dated January 3, 2005, the Examiner indicated that claim 31 would be allowable if rewritten to overcome the rejections under 35 USC § 112, second paragraph, set forth in that office action, and to include all of the limitations of the rejected base claim and any intervening claims. Applicant has now amended claim 25 to include the limitations of claim 31 as suggested by the Examiner. Accordingly Applicant respectfully submits that claim 25 and the claims dependent therefrom are similarly allowable.

#### REJECTIONS UNDER § 102(e)

The Examiner has rejected claims 1, 3, 4, 6-9, 11, 14-16, 20-24 on grounds they are anticipated by U.S. Patent 6,343,835 to Ledbetter. The Examiner contends that Ledbetter shows

“a base tray assembly 12, first and second upright support assembly 62, spaced from each other and both attached and removed as seen in figures 1 and 2, modules 70, 68, and 66 detachably mounted to the upright supports as well as the base assembly with the configurations selected by the user as seen in figures 1 and 3.”

Office Action July 20, 2005, pg. 4.

Applicant respectfully traverses the rejection in light of the amendments made to independent claims 1 and 16 and the cancellation of claims 9 and 11-15. The amendments to the remaining independent claims substantially parallel made in independent claim 25 which the examiner indicated would be allowable if the language of claim 31 be included in that claim. Reconsideration is respectfully requested.

Regarding the substance of the rejection, a review of the '835 specification shows that Ledbetter does not anticipate the invention as claimed. In particular, the brief description of the drawing figures show that figure 1 is a perspective view showing Ledbetter's invention, and figure 2 is an exploded perspective view of Ledbetter's invention. The exploded view is provided to illustrate the inter-relationship between the different components, not that the invention anticipates the user changing the configuration of the console as desired.

The proposition that Ledbetter does not anticipate the invention as defined in independent claims 1, 11, 16 and 25 is further supported by the text appearing in the description of the preferred embodiment in col. 1, line 62-67 and col. 2, lines 1-32.

Pertinent sections of that description are repeated herein as follows:

"[I]nvention 10 includes a base 12 defining an "I-beam" shaped support member including a generally rectangular shaped bottom panel 14 having a top surface 16 connecting to a bottom surface 18 of an opposing generally rectangular shaped upper panel 20 by a longitudinal vertical support panel member 22.... The top upper panel 20 includes a straight rear end edge 30 connecting spaced apart parallel side edges 32 which converge inwardly toward one another tapering slightly forming an angled edge 34 and are connected to a front end edge 36 which is shorter than the rear end edge 30. The vertical support panel member 22 is generally rectangular in shape and intersects and joins the upper panel member 20 and bottom panel member 14 along the longitudinal axis....

The upper body 40 of the console defines a storage compartment secured to the top surface 42 of the upper panel 20 of the base 14.... The floor panel 44 is attached to the top surface of the top panel 42 by means for holding including an adhesive, welding, fastening means such as screws or bolts, rivets, or may be formed having a tongue and groove arrangement, wherein the floor panel 44 slides over the top panel 42 of the base unit and is locked into position.

Ledbetter '835 Patent, col. 1, ln 62 – col. 2, ln 32.

From this foregoing text, it is abundantly clear that what is shown in the drawing

figures attached to his patent is that the top surface 42 of the upper panel 20 forming base 12 is permanently secured to the upper body 40 of the console in such a manner that the user cannot readily and easily detach the upper body 40 from the base 12. In fact, the Ledbetter reference teaches exactly the opposite of the claims in the instant application.

With respect to the comments made concerning dependent claims 4, 6, 8, 9 and 15 of the application, Applicant see no need to respond since these are all dependent upon claim 1. Since each and every element as claimed in claim 1 are not literally shown or described in the '835 patent, Ledbetter as a matter of law cannot be used as a basis for rejecting the application under 35 USC §102(e).

#### REJECTIONS UNDER § 103

Claims 2, 12, 17, 25-26, 28-29, and 31-36 have been rejected under § 103(a) over Ledbetter in view of Ling. Applicant traverses the rejection as it applies to claims no longer in the application. With respect to claim 25 and the claims dependent thereon, Applicant points the Examiner's attention to the previous discussion on the allowability of claim 31. Reconsideration is respectfully requested.

Regarding the substance of the rejection, as pointed out above, Ledbetter does not suggest that the console in the '835 patent have structural components detachably coupled from the base. To the contrary it has been conclusively shown that Ledbetter teaches away from such a structure. In a like manner, U.S. Patent 6,722,540 to Ling, the reference combined with Ledbetter, was relied upon by the Examiner as a basis for rejecting the claim language on the electrical sockets.

In light of the argument presented in response to the 102(e) rejection, since the



independent claims are allowable over the primary reference Ledbetter, there is *de facto* no suggestion that the combination of Ling for the electrical socket could be used as a basis for refusing the claim based on the novelty that the framework assembly is detachable from the base assembly. Simply put, like Ledbetter, Ling also provides no literal description, suggestion, or motivation that would suggest to one of ordinary skill in the art to take Ledbetter's permanently secured upper body 40 and make it detachable as claimed by applicant. Ling contains no discussion on the ability, desirability, or possibility of making the sections separable. For this reason alone the rejection fails. Reconsideration is requested.

The Examiner has also rejected dependent claims 5, 13, 19 and 30 on the basis that they would have been obvious to one of ordinary skill in the art over Ledbetter and Ling described above, and further in view of U.S. Patent 5,085,481 to Fluharty et al. ("Fluharty"). Applicant disagrees with the basis for the rejection and requests reconsideration. The Examiner is referred to the foregoing description for details on Ledbetter and Ling.

The Fluharty reference describes a console built on a fixed based assembly or framework 24. The only flexibility disclosed by Fluharty is the 44 or ability to interchange different modules within the fixed spaces provided in the framework 24. In the instant invention, not only can different modules be attached, but the framework may also be entirely changed or removed in order to conform to a user's requirements. Since the components 44 and 46 in Fluharty are adapted to only fit within specific regions of the framework, there is no motivation to provide reconfiguration or separation of the framework assembly from the base assembly depending upon the desires of the user.

The Examiner has also rejected claim 10 on grounds it would have been obvious at the time of applicants' invention in view of Ledbetter '835 alone. Applicant rebuts the rejection. The rejection of claim 10 is improper for the same reason that Ledbetter did not apply to the independent claims in the application. Not only does Ledbetter fail to provide any motivation to achieve the invention, Ledbetter specifically teaches in the opposite direction and is contradictory to what applicants' claim.

The examiner has also cited McNew to be used in combination with Ledbetter and Ling as a basis for rejecting claims 18 and 27. Applicant respectfully disagrees with the basis for the rejection on grounds that if the independent claims are allowable, so are the dependent claims. In addition, like Ling, McNew describes only a single function for his invention. There is no whisper let alone any suggestion or motivation to take the combination of teachings to derive the invention as claimed. McNew fails to offer any discussion whatsoever on a filing cabinet for use in a vehicle that may be reconfigurable for some other purpose. Because the scope and content of the McNew reference fails to add any substance to the scope and content of the Ledbetter and Ling similarly fail, applicant respectfully requests reconsideration of the claims.

#### OBJECTIONABLE CLAIMS

The Examiner has objected to claim 17 because the phrase "adapted to" implies further unnamed structure and requires correction. Applicant respectfully traverses the objection on grounds claim 17 has been cancelled.

## CONCLUSION


Applicant has amended the claims to conform to the support provided by the patent specification and drawing figures. With respect to the substantive rejection of the claims, it is incontrovertible that none of the references cited against the application literally disclose or remotely suggest that it is not novel to provide a console for a vehicle where in a first configuration a framework assembly is attached to a base assembly for supporting any one of a number of storage compartment configurations dictated by the user, and in a second configuration the user can remove the framework assembly from the base assembly to obtain a different storage solution. This point of novelty and utility has been presented clearly in this rebuttal to the final official action taken by the Office. For these reasons, applicants respectfully request allowance of the case.

Respectfully submitted

Toth et al.

Date: Tuesday October 10, 2006

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This diagram shows an exploded perspective view of a multi-tiered food tray assembly. The assembly includes a top tier (12) with two compartments (32) and a central opening (38). The top tier is supported by a central vertical post (20) and two side vertical posts (22). The side posts are connected by a horizontal bar (24). The bottom tier (70) is a rectangular tray with a central opening (72) and two side compartments (74). The side posts (22) are shown with arrows indicating they can be inserted into the bottom tier. The top tier (12) is shown with arrows indicating it can be placed on top of the bottom tier. The side posts (22) are also shown with arrows indicating they can be removed from the bottom tier. The side posts (22) are labeled with the word "remain" and the word "removed".

**Fig. 2**

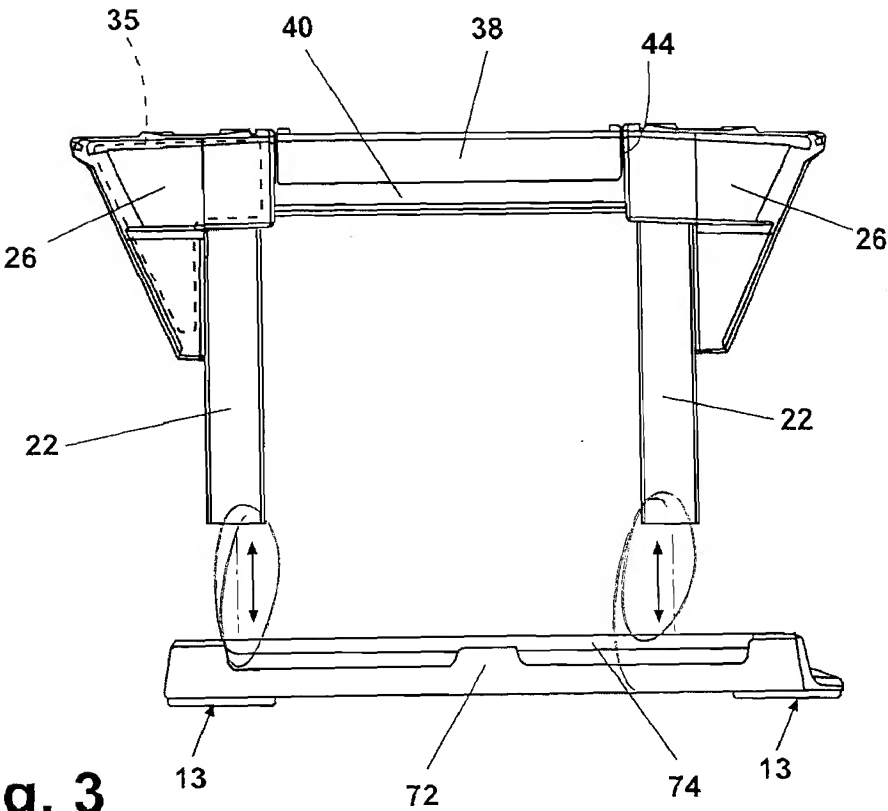


Fig. 3

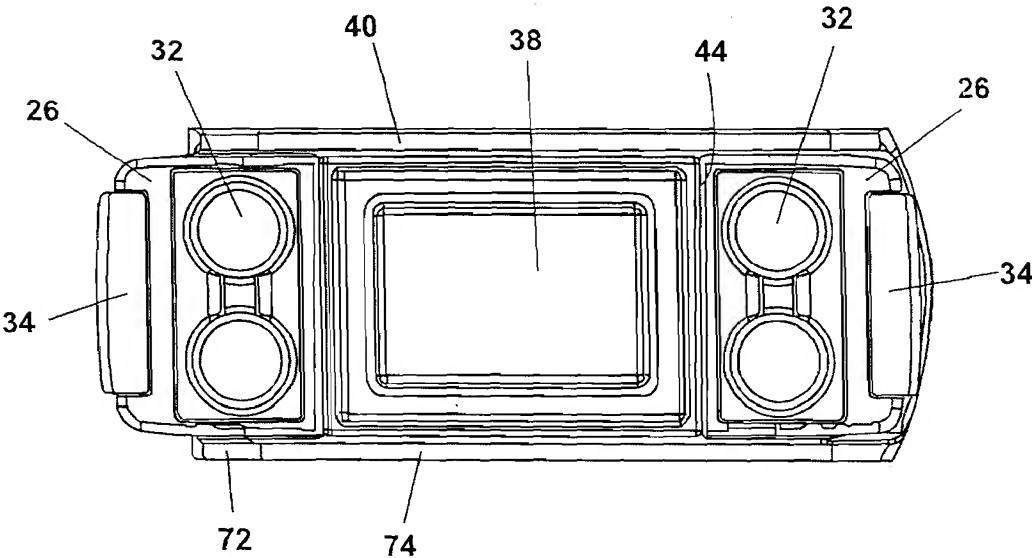


Fig. 4

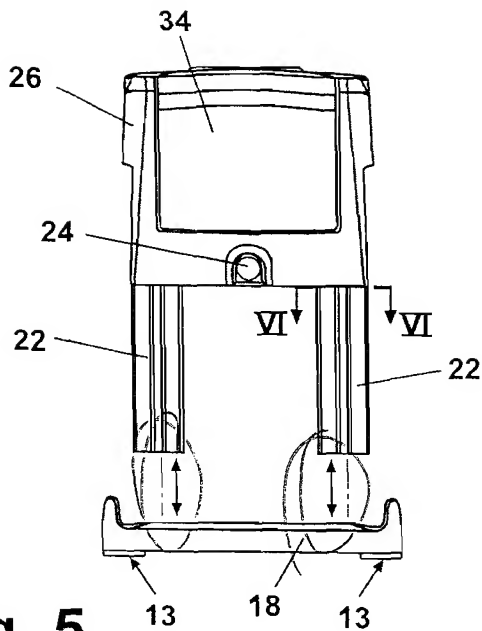


Fig. 5

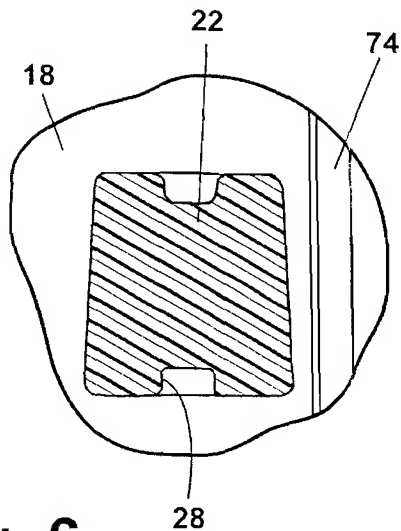


Fig. 6

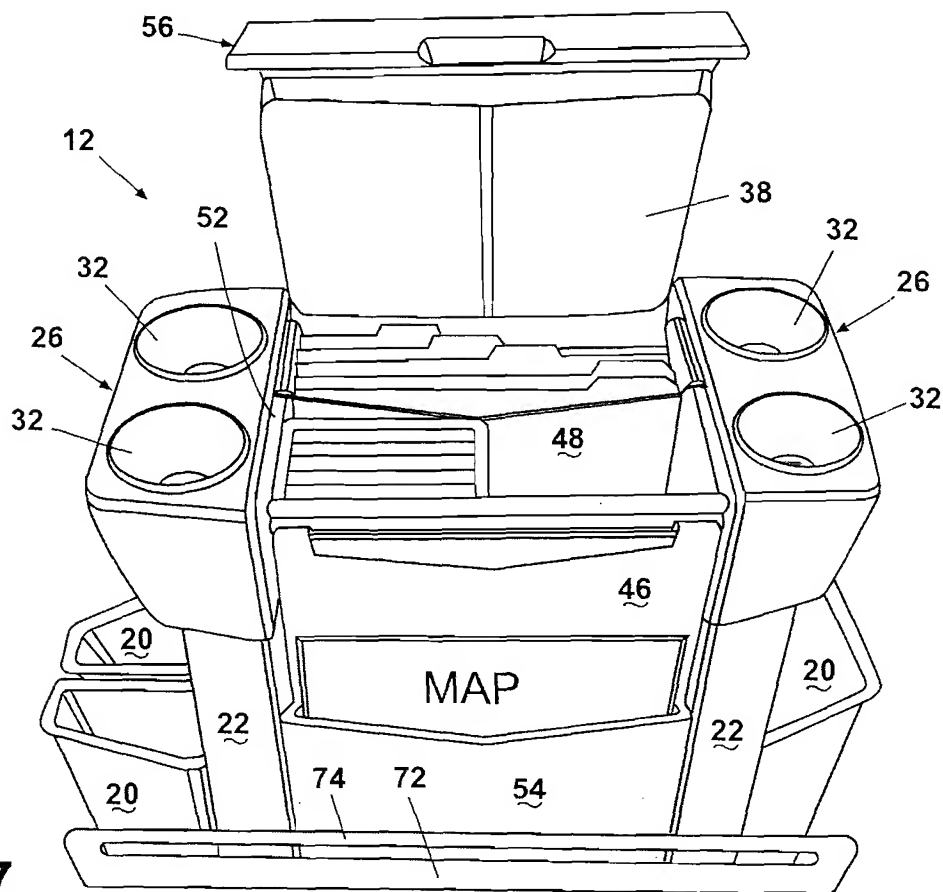


Fig. 7